

**ALTUS CITY COUNCIL MEETING
MINUTES
APRIL 15, 2014**

1. CALL TO ORDER

The City Council of Altus, Jackson County met in regular session Tuesday, April 15, 2014 at 7:55 p.m. in the Council Chambers of City Hall. Notice of the meeting was duly filed and posted in the office of the City Clerk, April 10, 2014 at 10:11 A.M.

2. ROLL CALL

The Clerk's roll call indicated the following members present:

David Webb - Mayor	
Presiding	
Rick Steen	Perry Shelton
Rick Henry	Mike Patterson
Chad Osborne	Michael Beason
Dwayne Martin	Jr. Rowland

Absent: None

Also Present: Elizabeth Gray, Catherine Coke, Debbie Davis, Donita Beers, Amy Lucas, Amy Briggs, Linda Walker, Barbara Burleson, Linda Mutchler, Holmes Willis, Jerry & Tracy Abbott, Ken Pike, Tim Murphy, Janice Berryhill, Dennis & Angie Murphy, Steve Perry, Kenny Combs, Lloyd Colston, Dan Scott, Phil Beauchamp, Gene Leister, Freddy Perez, Gary Brickley, Officers Mike Bell and Billy Fowler, Rick Vernon, Dan McMahan, Jason Angus and other public.

3. COMMENTS FROM THE AUDIENCE

Holly Urbanski - Representative for Jackson County Health Action Team updated the Council and audience on the issue of improving the health of the citizens of Jackson County. Grants can be applied for by meeting certain requirements. The grant can be used to improve the community in different ways.

4. CONSIDER THE CONSENT AGENDA LISTED BELOW AND VOTE WHETHER TO APPROVE IT IN ITS ENTIRETY, OR REMOVE ITEM(S) FOR DISCUSSION AND SEPARATE VOTE.

A. APPROVE MINUTES FOR THE ALTUS CITY COUNCIL MEETING ON APRIL 1, 2014.

OLD BUDGET:

B. APPROVE PURCHASE ORDERS FOR FY 2012-2013 FOR WORKERS COMP FUND TOTALING \$684.00.

NEW BUDGET:

C. APPROVE PURCHASE ORDERS FOR FY 2013-2014 FOR THE GENERAL FUND TOTALING \$78,597.05.

D. APPROVE PURCHASE ORDERS FOR FY 2013-2014 FOR WORKERS COMP FUND TOTALING \$11,299.83.

E. APPROVE PURCHASE ORDERS FOR FY 2013-2014 FOR THE DONATION FUND TOTALING \$255.00.

F. APPROVE PURCHASE FOR FY 2013-2014 FOR THE STREET & ALLEY FUND TOTALING \$1,028.61.

G. APPROVE PURCHASE ORDERS FOR FY 2013-2014 FOR THE AIRPORT FUND TOTALING \$4,023.38

H. APPROVE PURCHASE ORDERS FOR FY2013-2014 FOR THE EMERGENCY 911 FUND TOTALING \$741.28.

I. CONSIDER APPROVING AN ESTIMATED PAYROLL FOR APRIL 24, 2014 AS FOLLOWS:

SALARIES -	\$317,929.00
PART TIME WAGES -	26,043.00
OVERTIME -	7,091.40
FIRE OVERTIME	4,727.60
ALLOWANCES -	5,577.00
EMPLOYER PD TAXES -	24,321.57
EMPLOYEE PD TAXES -	66,765.09
EMPLOYER PD BENEFITS-	138,077.00
EMPLOYEE PD BENEFITS-	<u>46,744.05</u>

For a total amount of : **\$637,275.71**

PAYROLL FIGURES FOR APRIL 10, 2014

	<u>PRIOR ESTIMATE</u>	<u>ACTUAL</u>
SALARIES -	\$ 307,729.00	\$ 302,649.69
PART TIME WAGES -	24,135.00	17,661.97
OVERTIME -	7,091.40	4,722.23
FIRE OVERTIME -	4,727.60	3,148.15
ALLOWANCES	6,698.69	9,842.89
EMPLOYER P.D. TAXES -	23,541.27	20,974.35
EMPLOYEE P.D. TAXES -	64,623.09	63,283.04
EMPLOYER P.D. BENEFITS-	141,775.94	149,987.23
EMPLOYEE P.D. BENEFITS-	<u>48,886.52</u>	<u>46,744.05</u>
FOR A TOTAL ESTIMATED AMOUNT OF:	\$ 629,208.51	\$ 619,013.60

PERCENTAGE OF DIFFERENCE 1.62% UNDER THE PRIOR ESTIMATE*

J. ACKNOWLEDGE MONTHLY REPORTS AND MINUTES AS FOLLOWS:

CITY & SCHOOL SWIMMING POOL REPORT - A
FLEET MAINTENANCE FUEL REPORT - B

Motion made by OSBORNE and seconded by STEEN to approve the consent agenda.

The Mayor called for the vote recorded as follows:

AYE: Shelton, Steen, Henry, Rowland, Webb, Patterson, Martin, Beason, Patterson

NAY: None

Motion carried 9-0

5. CONSIDER, DISCUSS AND VOTE TO APPROVE RECOMMENDATION FROM THE GOLF COURSE COMMITTEE TO REVISE RATES FOR THE GREENS OF ALTUS MUNICIPAL GOLF COURSE; TO INCLUDE MEMBERSHIP, CART RENTAL AND PLAYING RATES AND TO OFFER THE OPTION OF REDUCED RATES TO MEMBERS WHO PAY ANNUALLY AND THE PRESENT RATE (non-related) TO MEMBERS WHO PAY QUARTERLY WITH THE NEW RATES TO BECOME EFFECTIVE JUNE 1, 2014.

BACKGROUND: The Golf Course committee met at the Greens of Altus Municipal golf course on April 2, 23014 to discuss rate structure for various categories of players with the choice for members to either take advantage of the reduced rates if paying annually instead of quarterly. If members chose to pay quarterly the rates would remain the same as previous. This would increase revenue for the Golf Course during the off season (November thru February).

This item presented by Councilman Shelton

Motion made by STEEN and seconded by PATTERSON to approve the recommendation of the Golf Course Committee. (To revise rates for the Greens of Altus Municipal Golf Course; to include membership, cart rental and playing rates and to offer the option of reduced rates to members who pay annually and the present rate (non reduced) to members who pay quarterly with the new rates to become effective June 1, 2014.)

The Mayor called for the vote recorded as follows:

AYE: Steen, Shelton, Henry, Rowland, Webb, Patterson, Beason, Martin, Osborne

NAY: None

Motion carried 9-0

Mayor Webb suggested that the Executive Session items be taken out of order to accommodate a visiting lawyer.

12. VOTE TO GO INTO EXECUTIVE SESSION AND RECORD AND VOTE ACCORDINGLY.

Catherine Coke, City Attorney, said that she would state her advice and then the City Council would make a determination to agree or disagree. Her advice was that disclosure would seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest and that they need to meet in executive session to discuss this matter of items 13 & 14.

Motion made by STEEN and seconded by HENRY to *move* the Executive Session items (13 & 14) up for time consideration of the parties involved.

The Mayor called for the vote recorded as follows:

AYE: Shelton, Steen, Henry, Rowland, Osborne, Beason, Martin, Patterson, Webb

NAY: None

Motion carried 9-0

EXECUTIVE SESSION ITEMS:

8:10 P.M. TO 8:40 P.M.

13. CONSIDERATION AND POSSIBLE ACTION REGARDING THE HOLDING OF AN EXECUTIVE SESSION REGARDING CONFIDENTIAL COMMUNICATIONS BETWEEN THE BOARD OF TRUSTEES OF THE ALTUS MUNICIPAL AUTHORITY AND ITS ATTORNEYS REGARDING (1) CASE NO CH-14-7, ENTITLED ‘Terry Heller Construction, LLC, an Oklahoma limited liability company, Plaintiff, vs. Altus Flight Academy, Inc., an Oklahoma corporation; Aviation Training Consulting, LLC, an Oklahoma limited liability company; City of Altus, a municipal corporation; Altus Municipal authority and Oklahoma Public Trust; Sikorsky Aircraft Corporation, a Delaware corporation, “ DEFENDENTS AND (2) ML-13-71, AN ORIGINAL AND AMENDED AND RESTATED MECHANICS AND/OR MATERIALMEN’S LIEN, BOTH PENDING IN THE DISTRICT COURT OF JACKSON COUNTY, STATE OF OKLAHOMA; PURSUANT TO TITLE 25, SECTION 307(B)(4) OF THE OKLAHOMA STATUTES, IF THE BOARD OF TRUSTEES DETERMINES, WITH THE ADVICE OF ITS COUNSEL, THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO PROCESS THE CLAIM OR CONDUCT A PENDING INVESTIGATION, LITIGATION OR PROCEEDING IN THE PUBLIC INTEREST.

14. CONSIDERATION AND POSSIBLE ACTION REGARDING THE HOLDING OF AN EXECUTIVE SESSION REGARDING CONFIDENTIAL COMMUNICATIONS BETWEEN THE CITY COUNCIL AND ITS LEGAL COUNSEL, MICHAEL L. DARRAH OF DURBIN, LARIMORE, BIALICK, REGARDING PENDING LITIGATION, JACKSON COUNTY DISTRICT COURT, CASE NO. CJ-2013-144, CITY OF ALTUS AND ALTUS MUNICIPAL AUTHORITY, PLAINTIFFS VS. GLEN BRIGGS & ASSOCIATES, INC.; INDECK POWER EQUIPMENT COMPANY; PROQUIP, INC.; AUTOMATIC ENGINEERING, INC.; SHOESTRING ENTERPRISES, LLC, WILCO CONSTRUCTION,**

INC.; HYDRACAP ENGINEERING MANAGER; GE OSMONICS, INC.; FG HAGGARTY CO.; WHITE HAWK CONSTRUCTION*; LEE CONSTRUCTION; MARSHALL CONSTRUCTION; COOLEY CONSTRUCTION**; AND S.B. JONES DEFENDANTS (Amended Petition) PURSUANT TO TITLE 25, SECTION 307 (B)(4) OF THE OKLAHOMA STATUTES, IF THE MAYOR AND CITY COUNCIL MEMBERS DETERMINE, WITH THE ADVICE OF ITS COUNSEL, THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO PROCESS THE CLAIM OR CONDUCT A PENDING INVESTIGATION, LITIGATION, OR PROCEEDING IN THE PUBLIC INTEREST AND IN OPEN SESSION VOTE TO TAKE ANY APPROPRIATE ACTION.**

*Dismissed March 4, 2014

**Dismissed March 25, 2014

15. CONSIDER ANY MOTIONS AND VOTES RELATING TO THE EXECUTIVE SESSION ITEM(s).

None

OUT OF EXECUTIVE SESSION AT 8:30 P.M.

ITEM #13

Mayor Webb stated this item to be a companion item to the AMA #11

Motion made by PATTERSON stating it to be the same motion he made on the AMA agenda item #11 (to authorize the Mayor to confer with legal counsel to make any amendments needed in the court cases cited that will be in the best interest of the City. The motion was seconded by SHELTON.

The Mayor called for the vote recorded as follows:

AYE: Osborne, Shelton, Steen, Beason, Martin, Patterson, Webb, Rowland

NAY: None

Motion carried 8-0

ITEM #14

Update Only

16. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING LEGAL SERVICES AGREEMENT(S) WITH ATTORNEYS DANIEL E. McMAHAN AND RICK K. VERNON WITH THE LAW FIRM McMAHAN & VERNON, P.C., FOR LEGAL SERVICES PERTAINING TO LITIGATION ENTITLED TERRY HELLER CONSTRUCTION, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY, PLAINTIFF VS. ALTUS FLIGHT ACADEMY, INC. AN OKLAHOMA CORPORATION; AVIATION TRAINING CONSULTING, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY; CITY OF ALTUS, A MUNICIPAL CORPORATION; ALTUS MUNICIPAL AUTHORITY, AN OKLAHOMA PUBLIC TRUST AND SIKORSKY AIRCRAFT CORPORATION, A DELAWARE CORPORATION, DEFENDANTS, DISTRICT COURT OF JACKSON COUNTY, STATE OF OKLAHOMA, CASE NO. CJ-2014-07.

Mayor Webb stated this was a companion to AMA agenda item #14.

Motion made by PATTERSON and seconded by SHELTON to authorize administration to enter into a legal service agreement with the firm of McMahan & Vernon on a contingency basis as stated - 40-60%.

The Mayor called for the vote recorded as follows:

AYE: Shelton, Steen, Rowland, Webb, Osborne, Martin, Patterson

NAY: Henry

ABSTAIN: Beason

Motion carried 7-1-1

6. REVIEW, DISCUSS AND VOTE TO APPROVE THE PURCHASE OF EITHER OPTION (A) A JOHN DEERE 6105D 2WD TRACTOR WITH LOADER IN THE AMOUNT OF \$51,060.24; OR OPTION (B) A JOHN DEERE 6105DMFWD TRACTOR WITH LOADER IN THE AMOUNT OF \$56,761.32, FROM WESTERN EQUIPMENT, LLC IN ACCORDANCE WITH OKLAHOMA STATE CONTRACT #SW190.

BACKGROUND: The Airport Tractor was struck from the rear by a pickup while traveling on Highway 283 on January 29th, 2014. The driver of the pickup was at fault and the tractor was totaled. The pickup driver's insurance covered \$25,000 of the cost. The salvage value of the tractor will be \$5,000 to \$10,000. This is the current guaranteed amount. A new tractor will cost either \$51,060.24 or \$56,761.32 leaving the City to make up the difference. The 2WD tractor has enough power to operate our shredder, but the smaller front tires are not ideal for loader work. When a load is picked up with the 2wd tractor the front tires give and become harder to control. The MFWD tractor has bigger front tires that are made to withstand more front end weight. The Mechanical Front wheel Drive also helps with traction on slick terrain or when pushing dirt or snow. Both tractors are identical models with the only difference being 2WD or MFWD All prices are in accordance with State Contract #SW190 for John Deere Equipment company.

This item presented by Daniel Adams, Airport Manager

Motion made by BEASON and seconded by MARTIN to approve the purchase of Option (B) a John Deere 6105DMFWD tractor with loader in the amount of \$56,761.32 from Western Equipment LLC in accordance with Oklahoma State Contract #SW190.

The Mayor called for the vote recorded as follows:

AYE: Webb, Shelton, Patterson, Osborne, Henry, Martin, Beason, Rowland, Steen

NAY: None

Motion carried 9-0

7. CONSIDER, DISCUSS AND VOTE TO APPROVE THE UPDATED EMERGENCY OPERATIONS PLAN, AS APPROVED BY THE LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) AND AUTHORIZE THE MAYOR AND SELECT DEPARTMENT HEADS TO SIGN THE DOCUMENT WHICH IS THEN FORWARDED TO THE STATE EMERGENCY MANAGEMENT OFFICE.

BACKGROUND: The purpose of this item is to formally adopt the Emergency Operations Plan as approved by the Local Emergency Planning Committee (LEPC). The LEPC was formed locally in 2005 and is required under title 27A O.S.A. Section 4-2-103 E(1) to complete preparation of an emergency plan in accordance with the federal Superfund Amendments and Reauthorization Act, which plan is then to be forwarded to the State level. The LEPC has, since 2006, applied for and received grant funds to perform its statutory duties.

This item presented by Lloyd Colston, Emergency Service Director

Motion made by OSBORNE and seconded by PATTERSON to approve the updated Emergency Operations Plan, as approved by the Local Emergency Planning Committee and authorize the Mayor and select department heads to sign the document which is then forwarded to the State Emergency Management Office.

The Mayor called for the vote recorded as follows:

AYE: Shelton, Patterson, Rowland, Osborne, Webb, Steen, Martin, Beason, Henry

NAY: None

Motion carried 9-0

8. CONSIDER, DISCUSS AND VOTE TO (1) APPROVE EMERGENCY ORDINANCE NO. 2014-04 AMENDING THE CODE OF ORDINANCES, CITY OF ALTUS, OKLAHOMA, CHAPTER 2, ADMINISTRATION BY REPEALING ARTICLE XII. MERIT SYSTEM BOARD ---APPEALS BY CITY EMPLOYEES, SECTIONS 2-201--- 2-209, TO COMPLY WITH THE NEW CHARTER AND (2) APPROVE THE EMERGENCY SECTION FOR AN EFFECTIVE DATE OF MAY 1, 2014, TO COMPLY WITH THE CHARTER'S DEADLINE.

BACKGROUND: Previously, the Council by passage on February 4, 2014 of Ordinance No. 2013-02 added the new City Charter to the Altus Code as Appendix D. Included within that Charter is the new provision that appeals by City employees of suspensions, layoffs, removal no longer be heard by the Council as required by state law, but that appeals be heard by a Merit System Board. The purpose of this agenda item is to create this Merit System Board by ordinance prior to the May 6, 2014 Charter deadline for implementation. The City Council has already appointed the three board members upon nomination by the Mayor. (Rodger Kerr, Richard Pope, & Lisa Greenlee).

This item presented by Catherine Coke, City Attorney

Motion made by OSBORNE and seconded by PATTERSON to approve Emergency Ordinance No. 2014-04 amending the Code of Ordinances, City of Altus, Oklahoma, Chapter 2, Administration by repealing Article XII. Citizen forum Board, Sections 2-201-- 2-208 and replacing it with a new Article XII. Merit System Board --Appeals by City employees, Sections 2-201---2-209 to comply with the new Charter.

The Mayor called for the vote recorded as follows:

AYE: Steen, Henry, Rowland, Patterson, Beason, Webb, Martin, Shelton, Osborne

NAY: None

Motion carried 9-0

Motion made by OSBORNE and seconded by STEEN to approve the Emergency Section for an effective date of May 1, 2014 to comply with the Charter's deadline.

The Mayor called for the vote recorded as follows:

AYE: Webb, Rowland, Martin, Beason, Patterson, Osborne, Steen, Henry, Shelton

NAY: None

Motion carried 9-0

9. CONSIDER, DISCUSS AND VOTE TO (1) DETERMINE THE SCOPE OF ENGINEERING SERVICES TO BE PROVIDED BY GARY BRICKLEY, P.E., FOX, DRECHSLER & BRICKLEY, INC., IN ORDER TO EXPEDITE AND MAXIMIZE WATER TRANSMISSION TO THE CITY OF ALTUS IN THE PROCESS OF REHABILITATING THE CITY'S EXISTING BOOSTER STATION/STORAGE TANK AT THE ROUND TIMBER WELL FIELD AND ANY FURTHER DEVELOPMENT AND/OR REHABILITATION OF THE HOLLOWAY WELL FIELD AND (2) AUTHORIZE THE EXPENDITURE OF FUNDS.

BACKGROUND: The City Manager has obtained Professional Engineering services from Gary Brickley, P.E. of Fox, Drechsler & Brickley, Inc., engineers to begin the process of rehabilitating our existing booster station and storage tank at the Round Timber Well Field located on the Round Timber Ranch as well as further development and/or rehabilitation of the Holloway Well Field in order to expedite and maximize water transmission to the City of Altus.

This item presented by Mayor Webb & Gary Brickley, Engineer from Fox, Drechsler & Brickley, Inc.

Motion made by BEASON and seconded by OSBORNE to approve item in *sub paragraph #1* as presented by Gary Brickley. (Determine the scope of engineering services to be provided by Gary Brickley, P.E., Fox, Drechsler & Brickley, Inc. in order to expedite and maximize water transmission to the City of Altus in the process of rehabilitating the City's existing booster station/storage tank at the Round Timber Well Field and any further development and/or rehabilitation of the Holloway Well Field.)

The Mayor called for the vote recorded as follows:

AYE: Shelton, Henry, Patterson, Rowland, Webb, Martin, Beason, Osborne, Steen
NAY: None
Motion carried 9-0

(Sub Paragraph 2) Motion made by BEASON and seconded by SHELTON to authorize the expenditure of funds not to exceed \$556,000.

The Mayor called for the vote recorded as follows:

AYE: Shelton, Patterson, Rowland, Webb, Martin, Beason, Osborne, Steen
NAY: Henry
Motion carried 8-1

10. CONSIDER, DISCUSS AND VOTE TO APPROVE RESOLUTION NO. 2014-20 ADOPTING A REVISED CITY'S EMPLOYEES' POLICIES AND PROCEDURES MANUAL.

BACKGROUND: The Council Committee, the Policies and Procedures Task Force, chaired by Council member Michael Beason, have met several times and they have voted to submit the Draft Manual(s) patterned after the City of Norman to the Altus City Council.

This item presented by Angie Murphy, Human Resources and Councilman Beacon

Councilman Henry & Councilman Osborne left the meeting at 9:25 p.m.

Motion made by ROWLAND and seconded by MARTIN to move this item to the agenda for a Special City Council meeting set for April 24, 2014.

The Mayor called for the vote recorded as follows:

Beason stepped out of the room

AYE: Patterson, Steen, Rowland, Webb, Martin, Shelton
NAY: None
Motion carried 6-0

11. INFORM, CONSIDER, DISCUSS AND VOTE UPON, AS APPLICABLE, WATER SOURCES AND PRODUCTS FOR THE CITY OF ALTUS.

Updates given by Elizabeth Gray, City Manager

17. REVIEW, DISCUSS AND POSSIBLE ACTION ON OTHER NEW BUSINESS, IF ANY, WHICH HAS ARISEN SINCE THE POSTING OF THE AGENDA AND WHICH COULD NOT HAVE BEEN REASONABLY FORESEEN PRIOR TO POSTING OF THE AGENDA. (25 O.S.A., SECTION 2-111 (9)).

None

18. ADJOURN

Motion made by PATTERSON and seconded by STEEN to adjourn the meeting at 9:30 p.m.

The Mayor called for the vote recorded as follows:

AYE: Beason, Martin, Shelton, Webb, Patterson, Steen, Rowland
NAY: None
Motion carried 7-0

David Webb, Mayor

Debbie Davis, City Clerk/Treasurer